

0 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

CLERK U.S. DISTRICT COURT
DISTRICT OF NEW JERSEY
RECEIVED

2017 MAY 10 PM 5 02

Paul Bishop

Plaintiff(s)

v.

Civil Action No.

United States Department of

Defendant(s)

Agriculture

SUMMONS IN A CIVIL ACTION

The Merit System Protection Board

To: (Defendant's name and address)

U.S. Department of Agriculture
1400 Independence Ave., SW
Washington, DC 20250

Merit System
Protection Board
1615 M Street NW
Washington, DC 20419

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW JERSEY

APMIS-2015-00053

EEOC
COMPLAINT

Paul Bishop

PLAINTIFF(S)

CIVIL NO. _____

-VS-

United States Department
of Agriculture

The Merit System Protection Board
DEFENDANT (S)

1. This action is brought pursuant to Title VII of the Civil Rights Act of 1964, as amended, for employment discrimination. Jurisdiction is specifically conferred on this Court by 42 U.S.C. Section 2000e-5. Equitable and other relief are also sought under 42 U.S.C. 2000e-5(g).

2. Plaintiff (s) resides at 22 Sunnyside Lane
Street Address
Hillsborough, Somerset, New Jersey
City County State
908-359-7049
Phone Number

3. Defendant (s) lives at , or its business is located at 1400 Independence Ave
(Street Address)
Washington DC, (202) 720-2791
(County) (State) (Phone Number)

4. Please state the address at which you sought employment
For 24 PQ-MA-2014-0304
Worcester Massachusetts
City County State
Canoe Line Puerto Rico

For 24 PQ-MA-2014-0334

5. State as nearly as possible when the discriminatory acts occurred:

19 November 2014
Day Month Year

5a. If practice is continuing check the appropriate box:

✓ YES NO

6. State as nearly as possible when you filed charges with the N.J. Division of Civil

Rights regarding defendant's alleged discriminatory conduct: , ,
Day Month

Year

7. State as nearly as possible when you filed charges with the N.J. Division on Civil

Rights regarding defendants alleged discriminatory conduct: , ,
Day Month

Year

8. The Equal Employment Opportunity Commission issued the attached

Notice-Of-Right-To-Sue letter which as received by you on

 , ,

(Note: Please attach Notice-of-Right-to Sue letter to this Complaint)

9. The acts complained by you, in this suit, concern:

- A. ☒ Failure to employ you.
B. ☐ Termination of you employment.
C. ☐ Failure to promote you.
D. ☐ Other acts (please specify) _____
- _____
- _____
- _____
- _____

10. Defendant's conduct is discriminatory with respect to which of the following:

The defendant's conduct is discriminatory
with respect to Reprisal/and Retaliation
for participating in a previous EEO process.
The EEOC has failed to complete an investigation
within 180 days of my
complaint received on
12/01/2014.

A. ☒ Your Race
B. ☒ Your Color
C. ☐ Your Sex
D. ☐ Your Religion
E. ☐ Your National Origin

☒ Reprisal/Retaliation
11. A copy of the charge to the Equal Employment Opportunity Commission is

attached to this complaint and is submitted as a brief statement of the facts of your claim.

12. If relief is not granted, plaintiff will be irreparably denied rights secured by the

Title VII of the Civil Rights Act of 1964, as amended.

13. Plaintiff (s) has no adequate remedy at law to redress the wrongs described above.

WHEREFORE, Plaintiff (s) prays (check appropriate letter (s) as follows):

- A. ☒ That all fees, costs or security attendant to this litigation be
hereby waived pursuant to affidavit of indigency submitted herewith.
- B. ☒ That the Court grant such relief as may be appropriate,
including injunctive orders, damages and costs.

Paul Bishop

SIGNATURE OF PLAINTIFF

COMPLAINT OF EMPLOYMENT DISCRIMINATION

United States Department of Agriculture
Civil Rights
Employment Complaints Division

1400 Independence Ave, NW
Mail Stop 9440
Washington, DC 20250

1. Name ☒ Mr. ☐ Ms. Paul J. Bishop ☐ USDA Employee ☐ USDA Applicant
(First) (MI) (Last) ☐ Former USDA Employee

2. Address

22 Sunnyside Lane
Hillsborough New Jersey 08844
(Street) (City) (State) (Zip Code)

3. Telephone Number

Work ()
Home () 359-7049

4. Name of Agency Which You Believe Discriminated Against You

United States Department of Agriculture
(Office)
Washington DC 20250
(City) (State) (Zip Code)

5. Basis of Discrimination

Reprisal for previous EEO activity
See attached form

6. Issue(s) of Alleged Discrimination You Were Counseled and Wish to File Formal

See attached form

7. Have you filed a negotiated grievance regarding the issues of this complaint? ☐ yes ☒ no

Have you filed an MSPB appeal regarding the issues of this complaint? ☐ yes ☒ no

8. Representative, if any

None

9. Name of EEO Counselor

Esther G. Espinosa

10. Requested Remedy - Commencement to a law suit11. Signature Paul J. BishopDate 11-18-2014

If you have questions or need guidance in the completion of this form, contact your EEO Counselor.

Paul J. Bishop
22 Sunnyside Lane
Hillsborough, NJ 08844

Supplemental Answers for APHIS form 3090-1

6. Issues of Alleged Discrimination:

I hold an Undergraduate degree in Entomology and a Masters Degree in Plant Biology from Rutgers, the state university of New Jersey. I have been hired in a federal position by the Department of Homeland Security as GS-0401-09 Agriculture Specialist. In this position I was promoted to a GS- 0401-11 Agriculture Specialist. My hiring and promotion were approved by the Office of Personnel Management. I have certification from the USDA Professional Development Center in Fredrick Maryland to enforce the plant and animal health quarantine laws of the United States. This certification was obtained by ten weeks of intensive training at the USDA Professional Development Center in Fredrick Maryland. My biological training certification obtained from the State of New Jersey, the Department of Homeland Security, a sector of the Federal Government and USDA APHIS another sector of the Federal Government are a matter of federal personnel record. I have filed a previous EEO complaint against the Department of Homeland Security for failing to provide me with training in a federal career training program.

I have applied for the positions of 24PQ-MA-2014-0134,Entomologist Identifier, 24PQ-MA-2014-0301 Plant Protection and Quarantine Specialist and 24PQ-MA-2014-0350 Plant Protection and Quarantine Specialist. I have applied for both Grade 9 and 11 for both positions. I have not been referred to a hiring official for any of these positions. The USDA has stated that "the record lacks any evidence of the complaint's qualifications..". The records containing my qualifications are part of my online application and were faxed again to the USDA.

I have been referred to a hiring official in the Best Qualified category for the Grade 11 for USDA Entomologist Identifier positions and Plant Protection and Quarantine Specialist positions that I have previously applied for. I have also been interviewed for Grade 11 for Entomologist Identifier positions in the Best Qualified category. I applied for both Grades at the same time online with the same resume and supporting documentation.

The USDA has ignored my qualifications and used my previous EEO compliant as the reason not to consider me for employment. I have not been interviewed or hired for previously applied for positions. I believe this to be an act of discriminatory retaliation. The USDA has stated that I am not among the best qualified candidates for a GS-0401-5 position I have previously applied for. The Department of Homeland Security has placed in my personnel folder a promotion that has black listed me from federal employment in retaliation for my previous EEOC activity against it. I believe that the USDA APHIS is using these same claims to prevent me from obtaining employment with it instead of my college education and the previous GS-0401-11 Agricultural Specialist position I held as

a federal employee.

The Department of Homeland Security's promotion of the complaint from a GS-0401-09 Agriculture Specialist to GS-0401-11 Agriculture Specialist in one year are one of the black list mechanism. The USDA is aware of this promotion because this is one of the employment records on my SF-50 forms I faxed to it in support of my job applications. This promotion is a violation of the Civil Service reform Act of 1974 covering within step promotions and grade promotions. My promotion is recognized as a violation of Civil Service reform Act of 1974 by other Civil Service employees, the USDA hiring official reviewing my application. These same employees refuse to review my substantial credentials and continue to blacklist the complaint from federal employment.

The USDA have also been made aware of my previous EEO activities by a private investigator it hired. This investigator has also made the USDA hiring official reviewing my applications aware of my previous EEO activities.

Paul Bishop

11-28-2014